

Appendix K and Executive Orders Flexibilities: updated December 17, 2021

Appendix K may be used by states during emergency situations to request amendments to approved Home and Community Based waivers. The tables below categorize the Appendix K flexibilities based on their termination date, where applicable, and by authority source. Flexibilities noted with an (*) will have some service-level exceptions through DDA's Waiver Amendment #3 or via recently revised DDA processes post Appendix K termination. These exceptions are detailed in the No Termination/Retained Permanently table.

**All text in red indicates added/revised language since the prior release date*

TERMINATION: 8/15/21 (end of the MD State of Emergency)
Authority: Appendix K
Nursing training received from the DDA
Hiring of spouses and parents of minor children*

TERMINATION: 8/15/2021 (end of Governor's Health Care Matters Executive Order)
Authority: Appendix K
Exception to Maryland professional licenses (temporarily waiving certain licensure requirements)

Rescind/Suspend to Unwind: 8/15/21 (COVID exposure/outbreak flexibilities)*
Authority: Appendix K
Self-direction: Personal Protective Equipment (PPE) reimbursement
Alternative service sites
Out-of-state setting

TERMINATION: 10/14/2021 (60 days after the end of the MD State of Emergency)
Authority: Appendix K
Site capacity (exceed maximum)

Termination: 12/31/2021
Authority: Appendix K/Emergency Regulations
Meaningful day, personal supports and residential retainer payments*

Termination: 3/31/2022**Authority: Appendix K/Emergency Regulations**

added 12/17/21:	Telephonic/Remote services: Behavioral Support Services (BSS)*
added 12/17/21:	Telephonic/Remote services: Case Management (CCS)
added 12/17/21:	Telephonic/Remote services: Nursing Services
added 12/17/21:	Staffing ratios (exceed maximum)
added 12/17/21:	Staffing ratios -- 1:1 and 2:1 exceptions
added 12/17/21:	Abbreviated criminal background check
added 12/17/21:	Training requirements: waive all but essential training
added 12/17/21:	Training requirements: PORII training provided in an expedited format
added 12/17/21:	Training requirements: sharing staff among providers
added 12/17/21:	Services provided any day of the week and exceed 8 hours a day and 40 hours per week within person's authorized budget
added 12/17/21:	Suspension of minimum number of hours of services to be provided during a single day
added 12/17/21:	Employment/Supported Employment/CDS/Day Hab/BSS/Family and Peer Mentoring/Personal Supports/Respite can take place in a variety of settings, instead of the community, including but not limited to the participant's home; family and friend's homes; residential settings; or other community settings.
added 12/17/21:	Waiver of high school or GED requirement*
added 12/17/21:	Behavioral Support Services – no pre-authorization required during PHE*
added 12/17/21:	Nursing Services – no pre-authorization required during PHE*
added 12/17/21:	Respite Services – no pre-authorization required during PHE*
added 12/17/21:	Legal guardians and relatives may be paid for greater than 40-hours per week*
added 12/17/21:	Exceed 82 hours per week within the authorized budget for personal supports*
added 12/17/21:	Exceed current DDA authorization within person's overall authorized funding budget for personal supports*
added 12/17/21:	Individuals 16 years or older can be direct support*
added 12/17/21:	Hire relatives and legally responsible individuals*
added 12/17/21:	Acute care hospital & short-term institutional stay supports*
added 12/17/21:	Personal care assistance can comprise the entirety of the following services: employment, supported employment, CDS, personal supports and day habilitation
added 12/17/21:	Training requirements: waived for family members willing to provide services to participants
added 12/17/21:	Increased rate (isolation)
added 12/17/21:	Training requirements: Annual training requirement extension for DSP who have previously completed all training requirements
added 12/17/21:	Training requirements: CPR and First Aid
added 12/17/21:	Training requirements: MTTP/Medication Technician Training
added 12/17/21:	Training requirements: Training in MANDT

No Termination/ Retained Permanently

Authority: Waiver Amendment #3 and/or Senate Bill #3 and Regulations

Telephonic/Remote Services: Community Development

Telephonic/Remote Services: Day Habilitation

Telephonic/Remote Services: Employment Services (includes Employment Discovery/Customization)

Telephonic/Remote Services: Personal Supports

Telephonic/Remote Services: Supported Employment

Telephonic/Remote Services: Behavioral Support Services (BSS) with the exception of brief support implementation services that must be provided onsite/in person

Acute care hospital stay supports

Waiver of high school or GED requirement: respite and day hab

Behavioral Support Services – services can be requested via emergency revised PCP process

Nursing services – services can be requested via emergency revised PCP process

Respite services – services can be requested via emergency revised PCP process

Legal guardians and relatives may be paid for greater than 40-hours per week with approval from the DDA

Exceed 82 hours per week within the authorized budget for personal supports with preauthorization from the DDA

Exceed current DDA authorization within person's overall authorized funding budget for personal supports with authorization from the DDA using budget modification or revised PCP/budget sheet to move funding

Individuals 16 years or older can be direct support: respite

Hire relatives and legally responsible individuals for select services and/or in situations of extraordinary care

Retainer payment for residential services only

Residential day time shared service hours -- use of dedicated supports